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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,086	07/28/2005	Hans-Josef Giertz	23302	8607

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EXAMINER

RINEHART, KENNETH

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/544,086	Applicant(s) GIERTZ ET AL.	
	Examiner Kenneth B. Rinehart	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☒ Claim(s) 7-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagayoshi (4028193). Nagayoshi shows A seal for a coke-oven door with a chamber having an upwardly closed continuous annular door frame that has an outer planar seal face (17), with a door body (8) securable to the door frame, and with an annular seal element (3) fixed on the door body and engaging the door frame when the door is closed, characterized in that a comb-shaped seal strip (fig. 15) with a seal edge (fig. 15, fig. 161) and slots (15) is fixed on the door body, The use of the comb-shaped seal strip according to claim 1 for retrofitting on and repair of an existing coke-oven door (presently capable of performing this function).

Claims 1-4, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mazzini (5254222). Mazzini shows A seal for a coke-oven door with a chamber having an upwardly closed continuous annular door frame that has an outer planar seal face (24), with a door body (14) securable to the door frame (16), and with an annular seal element (24) fixed on the door body and engaging the door frame when the door is closed, characterized in that a comb-shaped seal strip (32) with a seal edge (28) and slots (32) is fixed on the door body, in that the comb-shaped seal strip is secured by screws (34) and retaining washers (between 34 and 36) on the door body, the comb-shaped seal strip (32) is secured by screws (34) and a retaining bar (26) on the door body, A seal for a coke-oven door with a chamber having an upwardly closed

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continuous annular door frame that has an outer planar seal face (24), with a door body (14) securable to the door frame (16), and with an annular seal element (24) fixed on the door s body and engaging the door frame when the door is closed, characterized in that the seal elements fit sealingly together (24A,24B,24C,24D, fig. 2), The use of the comb-shaped seal strip according to claim 1 for retrofitting on and repair of an existing coke-oven door (presently capable of performing this function)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Mazzini (5254222) in view of Landis (3562957). Mazzini shows A seal for a coke-oven door with a chamber having an upwardly closed continuous annular door frame that has an outer planar seal face (24), with a door body (14)securable to the door frame (16), and with an annular seal element (24) fixed on the door body and engaging the door frame when the door is closed, characterized in that a comb-shaped seal strip (32) with a seal edge (28) and slots (32) is fixed on the door body, in that the comb-shaped seal strip is secured by screws (34) and retaining washers (between 34 and 36) on the door body, the comb-shaped seal strip (32) is secured by screws (34) and a retaining bar (26) on the door body, A seal for a coke-oven door with a chamber having an upwardly closed continuous annular door frame that has an outer planar seal face (24), with a door body (14) securable to the door frame (16), and with an annular seal element (24) fixed on

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the door's body and engaging the door frame when the door is closed, characterized in that the seal elements fit sealingly together (24A,24B,24C,24D, fig. 2). Mazzini discloses applicant's invention substantially as claimed with the exception of in addition to fitting sealingly together an end seal is provided, a flexible end seal is provided where the seal strips fit together (56).

Landis teaches in addition to fitting sealingly together an end seal is provided, a flexible end seal is provided where the seal strips fit together (56) for the purpose of sealing. It would have been obvious to one of ordinary skill in the art to modify Mazzini by including in addition to fitting sealingly together an end seal is provided, a flexible end seal is provided where the seal strips fit together as taught by Landis for the purpose of sealing so that a superior seal is maintained and less exhaust gases are released.

Allowable Subject Matter

Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kbr


KENNETH RINEHART
PRIMARY EXAMINER